

Mississippi Department of Human Services

Division of Family and Children's Services

Investigation Report

Worker's Name : McGRATH,JOHN

County : Jackson

Incident Date : 11/29/2011

Report Date : 11/29/2011

Report Time : 12:32 PM

Investigation Worker/Telephone : MATHEWS,RALPH MATT / 228-769-3445
McGRATH,JOHN / 228-769-3445

Allegations Investigated

Perpetrator	Relationship	Victim	Allegation	Pre/Post	Finding
Hagen,James R	Stepparent	[REDACTED]	Emotional Abuse/Neglect	Pre Screen	Substantiated
Hagen,James R	Stepparent	[REDACTED]	Emotional Abuse/Neglect	Post Screen	Substantiated
Hagen,James R	Biological Parent	[REDACTED]	Emotional Abuse/Neglect	Post Screen	Substantiated
Hagen,James R	Stepparent	[REDACTED]	Sexual Abuse	Pre Screen	Substantiated

Person Involved

Name	DOB	Age	Sex	Race	SSN	ReportRole	HH Status
Hagen,Kim R	12/08/1970	42	Female	WHITE	428-41-9643	Uninvolved	Primary Caretaker
Hagen,James R	12/19/1973	38	Male	WHITE	427-59-5804	Perpetrator	Secondary Caretaker
[REDACTED]	09/08/1995	17	Female	WHITE	428-79-5790	Victim	Member
Bovastro,Sherita	04/13/1973	39	Female	BLACK	425-47-9086	Reporter	Non Member
[REDACTED]	04/16/1994	18	Female	WHITE	426-77-9357	-	Member
[REDACTED]	08/15/2001	11	Male	WHITE	425-91-6230	-	Member

Household Address : Hagen,Kim R

Friday, December 07, 2012

03:32PM

EXHIBIT

2

Page 1 of 12

0063

107 Gettysburg Circle

Ocean Springs

MS 39564-0000

Description of the Alleged Maltreatment at the time of the Initial report :

Reporter stated this report is coming from Jackson County Sheriff's Department. [REDACTED] said her step dad, James, sits outside her bedroom window watching her get dressed and undressed (exact date unknown). James also sits outside the bathroom window watching her take a shower (date unknown). [REDACTED] noted James gets in the bed with her, touches her, and "talks trash" to her (dates unknown). Reporter was unsure where James is touching [REDACTED] if there was penetration, or what he said when he was "talking trash" to her. Reporter mentioned James is an Alderman for the City of Ocean Springs. Reporter did not confront James regarding these allegations. This family does have history in MAVERICS and METSS. Per METSS, [REDACTED] mother is Kim Walls Hagan (DOB-12/8/70) and father is Daniel Walls (DOB-9/29/70), Erie Street, Escatawpa, MS 39552-Phone-228-588-4821 or 228-474-1364. Safety risks are undetermined.

Worker Findings :

The allegations of sexual abuse and emotional abuse are substantiated by forensic interview. James Hagen has since been charged with possession of child pornography but there is no evidence that any other family member was aware of or effected by the child pornography. While the mother is protective and no custody is recommended, this worker recommends the case proceed by formal petition and a protection/prevention case be opened to monitor the home.

What is the exact nature of the abuse and/or neglect? Describe the parent/caretaker's initial response. Describe the maltreatment found and describe any injuries.

James Hagen on at least one occasion touched the victim on her breast. James Hagen on more than one occasion made inappropriate sexual remarks to the victim. James Hagen may have attempted to look at the victim while bathing. Mother was supportive and protective. No injuries, no medical treatment.

If abuse and/or neglect is found how long has it been going on and what is the impact on the child?

The victim claims no inappropriate actions before this year. The victim claims emotional trauma. All children in the home have been accepted for counseling.

How do the parents/caretakers and the children view their current situation? Describe the caregiver's ability to provide basic needs.

The mother and minors are aware of the gravity of the situation and are working together. The mother has expressed concern about her ability to maintain financial stability due to the loss of her husband's income. At this time the basic needs of the children are being met and steps are being taken to insure future wellbeing of the minors, this is documented more in the ongoing case file in MACWIS.

Describe the parents/caretakers level of functioning. Are the parents/caretakers capable of addressing issues related to the maltreatment?

The parents appear to have normal functioning and are capable of addressing the issues of the case.

Describe any mental/physical health concerns of household members. Do any concerns pose danger to the child?

The minors and the mother are receiving counseling. The physical health of all members is being addressed. No danger or concerns at this time.

Describe each child's functioning ability as it relates to such things as age, communication skills, school performance, physical and behavioral health, and fear of harm.

All minors are functioning normally in school.

Describe the family's support system. What kinship resources are available to the family?

There is extended family support.

Identify and describe caregiver and family strengths, and protective capacities.

The mother is protective.

Describe family and caregiver/child relationships. Include things such as parenting style, parenting knowledge/skill, and discipline techniques.

The mother and the minors are very close. The mother is well versed in parenting and discipline.

Risk: No/Low Risk	Safety: Safe	Well-Being: Sufficient
--------------------------	---------------------	-------------------------------

A Child has received serious physical harm or injury that appears to be inflicted (non-accidental).

N/A

A Child has physical injuries resulting from use of instruments (e.g. cigarette burns, hot water, belts, sticks) to inflict severe pain upon a child or injuries due to dangerous acts (e.g. choking, shaking of an infant, or cruelty)

N/A

A Child has a serious physical injury and the caregiver has given an explanation that is inconsistent, insufficient, or will not explain.

N/A

A Child has exceptional or special needs, behaviors or medical concerns that are not being met or managed, and failure to do so is resulting in the child being in danger of serious harm.

N/A

The caregiver has not, cannot, or will not protect the child from potential serious harm (dangerous persons, situations, or conditions), and/or caretaker overtly rejects and safety intervention.

N/A

Caregiver or other person currently threatening to seriously harm child.

N/A

The behavior of any member of the household or other person having access to the child is violent and/or out of control and this behavior places the child in danger of serious harm.

N/A

Caretaker perceives the child in extremely negative terms and that perception/belief places the child in danger of serious harm.

N/A

Caretaker has extremely unrealistic expectations of the child, and these perceptions place the child in danger of serious harm

N/A

Drug and/or alcohol use by any member of the household or other person having access to the child places the child in danger of serious harm (incapacitation, aggression, or missing).

N/A

Behavior(s) of any member of the household or any person having access to the child is symptomatic of mental or physical illness or disability and this condition is uncontrolled and places the child in danger of serious harm.

N/A

Caretaker is unwilling, unable to meet the child's needs for sufficient supervision, food, clothing, and/or shelter to protect child from danger of serious harm.

N/A

Caretaker is unwilling or unable to meet the immediate physical or mental health needs of a child whose condition is fragile due to physical or mental handicaps and failure to do so may result in the child being in danger of serious harm

N/A

Household environmental hazards or living conditions place a child in danger of serious harm.

N/A

Acts of domestic violence (e.g. family violence or batterer violence) have occurred that places the child in danger of serious harm.

N/A

Sexual abuse/exploitation is suspected and circumstances suggest that a child may be in danger of serious harm.

Yes

Sexual abuse substantiated by forensic interview.

A child is exposed to dangerous activities or environments (e.g. the manufacture and distribution of drugs, drug trafficking or sale of illegal drugs, DUI with child in car) that places a child in danger

N/A

There is reason to believe a child is in danger of serious harm and the family refuses access to the child, the child's whereabouts cannot be ascertained, caregiver's whereabouts cannot be ascertained or there is reason to believe the family will flee

N/A

A child is fearful of caregiver(s), other family members, or other people living in or having access to the home and there is an indication of a credible threat

N/A

Other, please explain

N/A

Address Addendum

PersonName : Hagen,Kim R
Address : 107 Gettysburg Circle
City : Ocean Springs
State / Zip : MS 39564-0000

PersonName : Hagen,James R
Address : No address found
City :
State / Zip : 00000-0000

PersonName : [REDACTED]
Address : No address found
City :
State / Zip : 00000-0000

PersonName : [REDACTED]
Address : Jackson County DHS
City : Moss Point
State / Zip : MS 39563-0000

PersonName : [REDACTED]
Address : No address found
City :
State / Zip : 00000-0000

PersonName : [REDACTED]
Address : No address found
City :
State / Zip : 00000-0000

Alleged Perpetrator

Hagen, James R

McGRATH, JOHN

12/02/2011

11:30 AM

Worker McGrath made contact with James Hagen on the phone, the number was restricted. James stated he was released from jail on bond. This worker advised James that this worker had evidenced the allegations of the referral based on the forensic interview. This worker explained the difference between criminal and DHS investigations. This worker explained the limitations that had been put in place dealing with contact with the children. James stated he had discussed the restrictions with his wife and would abide by them. This worker read and explained the tasks of the ISP that would be given to Kim Hagen.

Alleged Victim

[REDACTED]

McGRATH, JOHN

11/29/2011

07:45 PM

Worker McGrath made contact with Katie Walls and Marshall Hagen at the shelter. Shelter staff stated Marshall was fine but [REDACTED] appeared very anxious and was crying. This worker talked briefly with Marshall about his medication. This worker spoke in depth to Katie Walls about the case and her custody. Katie stated she did feel better knowing more about the custody process and told this worker it was ok for him to leave. This worker ended the interview at approximately 8:30pm.

Walls, Mallory R

McGRATH, JOHN

11/29/2011

06:30 PM

Worker McGrath made contact with [REDACTED] at her temporary foster Placement, also present was Sarah Pendleton, foster parent. This worker stayed until Mallory began to get comfortable in the home.

Walls, Mallory R

McGRATH, JOHN

11/29/2011

01:30 PM

Worker McGrath made contact with [REDACTED] at Ocean Springs High School, also present was Detective Linda Jones and DHS Sharon Carter. This worker asked [REDACTED] if she knew why DHS and Law Enforcement wanted to talk to her. [REDACTED] stated we were here because her step father touched her and did things that made her uncomfortable. This worker ended the interview pending a forensic interview.

Collateral Contact

No Participants

MATHEWS, RALPH MATT

12/06/2011

03:00 PM

Jennifer Garraway, Victim's Advocate @ DA, called to report that the father, James Hagen, reported that the alleged victim is being seen by a counselor who is a close friend of her mother's. Mr. Hagen wishes to discuss this with DHS worker - AWSW referred her to John McGrath.

Family Team Meeting

[REDACTED]

Worker McGrath conducted a family team meeting, in attendance, Kim Walls, [REDACTED]. The ISP was developed and finalized to include no contact between James Hagen and [REDACTED]. Supervised contact, supervised by Kim Walls, between James Hagen and [REDACTED]. James Hagen is expected to help support the family and to find a different place to live while he is charged with a sex crime. Kim Walls is to apply for Economic Assistance and Medicaid. No one is to discuss the criminal case with the children in the home. Kim Walls is to seek and participate in family individual counseling for the children..

Findings

No Participants

McGRATH,JOHN 12/7/2011 01:20 PM

The allegations of sexual abuse and emotional abuse are substantiated by forensic interview. James Hagen has since been charged with possession of child pornography but there is no evidence that any other family member was aware of or effected by the child pornography. While the mother is protective and no custody is recommended, this worker recommends the case proceed by formal petition and a protection/prevention case be opened to monitor the home.

ICWA Contact

Hagen,Kim R

McGRATH,JOHN 11/30/2011 01:15 PM

ICWA

1. Is parent or child of Native American heritage? Yes Choctaw
2. Is parent eligible for tribal membership? Unknown
3. Is parent register with Native American tribe? No
4. Is child eligible for tribal membership? Unknown
5. Has child been register with Native American tribe? No
6. Does the family live on tribal land? No

Kimberly Hagen AKA Kim Walls, claims Cherokee Native American heritage. It is unknown if she is eligible for tribal membership. She is not registered with a Native American tribe. It is unknown if the child is eligible for tribal membership. No child has been registered with a Native American tribe. The family does not live on tribal land.

Judge/Court Personnel

No Participants

McGRATH,JOHN 11/30/2011 09:00 AM

Worker McGrath made contact with Marilyn Montgomery at Youth Court. Marilyn and this worker discussed the case in depth and Marilyn accepted this workers recommendation to rescind the custody order and release the minors to their mother.

No Participants

McGRATH,JOHN 11/29/2011 01:45 PM

Worker McGrath made contact with Marilyn Montgomery, Youth Court Intake, on the phone. This worker explained the finding up to this time and stated probable cause for custody was present. This worker explained that a forensic interview had been scheduled for 4:00pm and custody was needed for transport and interview. Marilyn gave this worker a verbal court order for custody of Mallory and Katie Walls and Marshall Hagen at that time.

Law Enforcement

No Participants

McGRATH,JOHN 12/07/2011 09:00 AM

Worker McGrath made contact with Detective Thornton on the phone. Det. Thornton stated child pornography was found on James Hagen's government issued laptop. Det. Thornton stated the video was downloaded not created and that Mr. Hagen had been charged and arrested for the offense.

No Participants

McGRATH,JOHN 11/29/2011 03:00 PM

Worker McGrath made contact with Detective Linda Jones at Ocean Springs High School. Det. Jones agreed to transport [REDACTED] to Gulfport for the forensic interview.

Medical Contact

No Participants

McGRATH,JOHN 11/29/2011 07:35 PM

Worker McGrath made contact with Dr. Ross at the Jackson County Shelter. Dr. Ross asked about the medication for Marshall Hagen. This worker explained that this worker had been unable to reach Detective Thornton on the phone and that the detective had the medication. This worker asked if there was a need for any medication on this night. Dr. Ross stated Marshall has asthma and might need some medication for that but there was no emergency for Katie Walls. This worker asked if there was an alternative medication for Marshall and offered to purchase any prescription needed for the minor. Dr. Ross stated the shelter had Albuterol and that a Nebulizer treatment would be sufficient for the night. Marshall stated he was familiar with Albuterol and had been given Albuterol by Nebulizer in the past. Dr. Ross stated he had no other concerns. The Shelter provided Marshall with Albuterol and a Nebulizer and Marshall started his treatment.

Mental Health Contact

No Participants

McGRATH,JOHN 11/29/2011 05:00 PM

Worker McGrath made contact with Christian Clark, Forensic Interviewer at the CAC. Ms Clark confirmed disclosure of at least one touching of the victims breast and provided the video disc of the interview.

No Participants

McGRATH,JOHN 11/29/2011 01:00 PM

Worker McGrath made contact with Christian Clark, Forensic Interviewer at the CAC, on the phone. This worker explained the allegation of sexual abuse and requested an emergency forensic interview. Ms Clark scheduled 4:00pm for the interview.

Parent/Caretaker

Hagen, Kim R

McGRATH,JOHN 11/29/2011 01:15 PM

Worker McGrath made contact with Kimberly Hagen at Ocean Springs High School, also present was Detectives Hope Thornton and Linda Jones. Ms Hagen stated she was shocked to learn of the allegations. Ms Hagen gave permission for DHS and Law Enforcement interviews of her children. Ms Hagen agreed to not communicate with her husband and to allow access to her home for the search warrant.

Physical Home Environment

Hagen, Kim R

McGRATH, JOHN

11/29/2011

02:00 PM

This worker found the home to be safe with no significant safety hazards.

Reporter

No Participants

McGRATH, JOHN

11/29/2011

12:45 PM

Worker McGrath made contact with Detective Thornton on the phone. Det. Thornton described the report and requested a joint investigation starting with the mother at Ocean Springs School.

JACKSON COUNTY, MISSISSIPPI

Office of the
SHERIFFMIKE BYRD
Sheriff*Cooperation, Integrity, Dedication*DON STEWART
Chief DeputySuspects/Defendants: James Roy HaganCharges: Molestation, Embezzlement and Child PornographyDate: November 29th, 2011 Case: 2011024169Investigator Assigned: Detective Hope Thornton

APPROVED BY:

1/14 #14

CAPTAIN JAMES "MICK" SEARS

TABLE OF CONTENTS

<u>x</u> DA's Report	<u>x</u> Investigatory Worksheet
<u>x</u> Investigator's Report	<u>N/A</u> Crime Scene Log
<u>x</u> Offense Report	<u>x</u> Evidence Log and Chain of Custody
<u>N/A</u> Supplement Narrative	<u>x</u> Crime Scene Photograph Log
<u>x</u> Custody Report	<u>N/A</u> Personal History/Interview Log
<u>x</u> Rights Form	<u>N/A</u> Pawned Property Recovery Form
<u>N/A</u> Evidence Submission Form	<u>x</u> Property Release
<u>N/A</u> Crime Lab Report	<u>x</u> Criminal History
<u>x</u> Affidavit for Search Warrant	<u>x</u> Affidavit and Arrest Warrant
<u>x</u> Search Warrant/Consent to Search	
<u>x</u> Statement from Witness (es)	
<u>N/A</u> Statement from Suspect(s)	
<u>N/A</u> Audio Tape(s) <u>N/A</u> Included <u>N/A</u> Available	
<u>N/A</u> Video Tape(s) <u>N/A</u> Included <u>N/A</u> Available	
<u>x</u> Photographs <u>x</u> Included <u>x</u> Available	
<u>N/A</u> Autopsy Report/Coroner's Report	